

STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Twenty-Fifth Year of the Reign of His
Majesty KING GEORGE V

Being the First Session of the Nineteenth
Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE TWENTIETH DAY OF FEBRUARY
IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED
AND THIRTY-FIVE



ONTARIO

COLONEL, THE HONOURABLE HERBERT ALEXANDER BRUCE,
M.D., R.A.M.C., F.R.C.S. (ENG.), LIEUTENANT-GOVERNOR

TORONTO

Printed and Published by T. E. Bowman, Printer to the King's Most-Excellent Majesty
1935

CHAPTER 39.

An Act respecting Mental Hospitals and Schools.

Assented to April 18th, 1935.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as *The Mental Hospitals Act, 1935*. Short title.

PART I

2. In this Act and the regulations, unless the context Interpre- otherwise requires,— tation.

- (a) "Approved home" shall mean a home to which "Approved home." patients may be released from an hospital or hospital school in the manner provided under this Act and the regulations;
- (b) "Child" shall include son and daughter; "Child."
- (c) "Department" shall mean the Hospitals Division of "Depart- the Department of Health for Ontario; ment."
- (d) "Deputy Minister" shall mean the officer appointed "Deputy Minister." to be in charge of the Department;
- (e) "Examination unit" shall mean a place to which any "Examina- person may be sent for observation, care and treat- tion unit." ment in the manner provided under this Act and the regulations;
- (f) "Habitue" shall mean an alcoholic or drug habitue; "Habitue."
- (g) "Hospital" shall mean an hospital established under "Hospital." this Act and shall include every approved home and examination unit connected therewith or forming part thereof;
- (h) "Hospital school" shall mean a school established "Hospital school." under this Act for mental defectives and shall include

every

every approved home and examination unit connected therewith or forming part thereof;

- "Inspector." (i) "Inspector" shall mean an officer of the Department appointed as an inspector for any of the purposes of this Act and the regulations;
- "Institution." (j) "Institution" shall mean and include hospital, hospital school and examination unit;
- "Mental defective" and "mentally defective person." (k) "Mental defective" and "mentally defective person" shall mean a person in whom there is a condition of arrested or incomplete development of mind, whether arising from inherent causes or induced by disease or injury, and who requires care, supervision and control for his own protection or welfare or for the protection of others;
- "Mental deficiency." (l) "Mental deficiency" shall mean the condition of mind of a mental defective;
- "Mentally ill person." (m) "Mentally ill person" shall mean a person other than a mental defective who is suffering from such a disorder of the mind that such person requires care, supervision and control for his own protection or welfare, or for the protection of others;
- "Mental illness." (n) "Mental illness" shall mean the condition of mind of a mentally ill person;
- "Minister." (o) "Minister" shall mean the Minister of Health for Ontario or such other member of the Executive Council as is charged for the time being with the administration of this Act;
- "Parent." (p) "Parent" shall include father and mother;
- "Patient." (q) "Patient" shall mean a person admitted under this Act and the regulations to an institution;
- "Regulations." (r) "Regulations" shall mean regulations made under the authority of this Act;
- "Steward." (s) "Steward" shall mean an officer of the Department who is appointed as the steward of an institution;
- "Superintendent." (t) "Superintendent" shall mean an officer of the Department who is appointed as the superintendent of an institution.

Application to certain institutions. **3.** The provisions of this Act shall apply to such institutions as may from time to time be designated by the regulations.

mination unit connected
roof;

cer of the Department
any of the purposes of

and include hospital,
on unit;

ally defective person"
there is a condition of
ment of mind, whether
induced by disease or
are, supervision and
or welfare or for the

the condition of mind

n a person other than
ffering from such a
person requires care,
s own protection or
others;

condition of mind of

minister of Health for
er of the Executive
time being with the

mother;

admitted under this
stitution;

ions made under the

of the Department
of an institution;

officer of the Depart-
uperintendent of an

to such institutions
by the regulations.

4.

4.—(1) Every hospital established under this Act shall be known as "The Ontario Hospital" followed by the name of the city or town at or near which such hospital is located, or such name as the Lieutenant-Governor in Council may designate. Names of hospitals.

(2) Every hospital school established under this Act shall be known as "The Ontario Hospital School" followed by the name of the city or town at or near which such hospital school is located, or such name as the Lieutenant-Governor in Council may designate. Names of hospital school.

5. Subject to the provisions of section 109, this Act shall not apply to,— Exempted from the Act.

(a) a sanitarium subject to *The Private Sanitarium Act*; Rev. Stat., c. 355.

(b) a psychiatric hospital established under *The Psychiatric Hospitals Act*. Rev. Stat., c. 354.

6.—(1) The Lieutenant-Governor in Council may make such regulations not inconsistent with this Act as are necessary for carrying out the provisions of this Act and for the efficient administration thereof, and such regulations shall have the same force and effect as if enacted in this Act and such regulations may be repealed, altered or amended from time to time in like manner. Regulations.

(2) Without limiting the generality of the provisions contained in subsection 1, it is declared that the powers of the Lieutenant-Governor in Council to make regulations in the manner set out in the said subsection shall extend to and include the following,—

(a) designating the institutions to which this Act shall apply;

(b) prescribing the district served and classes of patient to be treated in any institution;

(c) the powers and duties of the Deputy Minister;

(d) the appointment of superintendents, inspectors, stewards, assistants, clerks and other officers and employees and prescribing their powers and duties;

(e) regulating the inspection, superintendence, government, management, conduct, operation, maintenance, care and use of institutions and equipment;

(f) regulating the apprehension and admission of persons;

(g)

- (g) regulating the care, treatment, maintenance, conduct, discipline, custody, transfer, probation, release, discharge and apprehension of patients;
- (h) prescribing the forms relating to patients and their admission to, maintenance in, transfer, release or discharge from institutions, and all other forms required for the carrying out of the provisions of this Act and the regulations;
- (i) prescribing the records, books, accounting systems, audits, reports and returns to be made and kept respecting institutions;
- (j) regulating the financial business and affairs of institutions;
- (k) granting certificates of approval to approved homes and examination units and the fees payable therefor, and withdrawing such certificates;
- (l) fixing the situation, construction, equipment of approved homes and examination units;
- (m) declaring that any provisions of this Act and the regulations shall not be applicable to approved homes and examination units;
- (n) prescribing the charges which shall be paid by the party liable for the maintenance of patients in institutions;
- (o) prescribing the amounts to be paid by the Department for the care and maintenance of patients who are in an approved home; and
- (p) generally, the control of all other matters in any way relating to institutions, and for the better carrying out of the provisions of this Act.

PART II

ADMINISTRATION AND CONTROL

Adminis-
tration
vested in
the De-
partment.

7.—(1) The administration of this Act and of every institution established thereunder, is vested in the Department, and the Deputy Minister shall be the chief executive officer of the Department responsible to and subject to the control of the Minister.

(2)

(2) Where this Act and the regulations require or authorize the Deputy Minister to do any act, such act may be done by any person whom the Deputy Minister shall appoint to do such act.

Delegation
of authority
by Deputy
Minister.

8. Subject to section 7, the superintendent of an institution shall be in charge of and have control over the institution for which he is appointed, and shall superintend the conduct and management of all its affairs and control all officers, clerks, servants and employees thereof and all the patients therein.

Superin-
tendent to
control the
institution.

9. The Lieutenant-Governor in Council may appoint inspectors with such designations or titles as he may deem expedient. 1931, c. 80, s. 4, *amended*.

Inspector.

10. The financial business and affairs of an institution shall be in charge of the steward appointed thereto who shall be responsible to the superintendent of such institution.

Steward.

11.—(1) No action, prosecution or other proceedings shall be brought or be instituted against any officer, clerk, servant, or employee of the Department, or the Public Trustee, or against any other person for an act done in pursuance or execution or intended execution of any duty or authority under this Act or the regulations, or in respect of any alleged neglect or default in the execution of any such duty or authority, without the consent of the Attorney-General.

Consent of
Attorney-
General
for actions.

(2) All actions and prosecutions against any person for anything done or omitted to be done in pursuance of this Act shall be commenced within six months after the act or omission complained of has been committed, and not afterwards.

Limitation
of actions.

(3) No action shall lie against any institution or any officer, employee or servant thereof for the tort of any patient.

Tort of
patient.

12.—(1) No person shall,—

Offences
under Act.

- (a) assist any patient in escaping or attempting to escape from an institution; or
- (b) do or omit an act for the purpose of aiding any patient in escaping or attempting to escape from an institution; or
- (c) abet or counsel any patient to escape; or
- (d) visit, assist, counsel or communicate with any patient after having been prohibited in writing from doing so by the Deputy Minister or any superintendent.

Penalty. (2) Every one who violates any of the provisions of subsection 1 shall be guilty of an offence and shall be liable to a fine of not less than \$25 and not exceeding \$100 and, in default of payment, to not more than thirty days' imprisonment.

Penalties for offences. (3) Every person who violates any provision of this Act or the regulations shall be guilty of an offence under this Act and shall upon conviction, where no penalty has been specifically provided, be liable to a fine of not less than \$10 and not exceeding \$100 and, in default of payment, to imprisonment for not more than thirty days.

Recovery of penalties. (4) Every penalty imposed for an offence under this Act shall be recoverable under *The Summary Convictions Act*.
Rev. Stat., c. 121.

PART III

PATIENTS IN INSTITUTIONS

Applications for admission. **13.—**(1) Application for the admission of any person as a patient to an institution shall be made either verbally or in writing to the Deputy Minister or to a superintendent and no person shall be admitted to an institution until a direction has been issued by the Deputy Minister or a superintendent or other person in charge of an institution, and no person may present himself or be sent for admission to an institution until notice is received from the Deputy Minister or a superintendent that accommodation in an institution is available for such person.

(2) Where a direction and notice have been issued under subsection 1, the person named therein shall present himself or be taken to the institution named therein and shall be admitted to such institution in accordance with the provisions of such direction and notice.

Certificate or form not to be issued by practitioner related to another practitioner. **14.—**(1) Except as permitted by the regulations or by the Minister, no certificate or form required by this Act or the regulations with respect to any person shall be made, issued, given or signed by any medical practitioner who is by blood or marriage closely related to or connected with any other medical practitioner who makes, issues, gives or signs a certificate or form with respect to the same person.

Practitioner not to be related to person examined. (2) Except as permitted by the regulations or by the Minister, no certificate or form required by this Act or the regulations to be made, issued, given or signed by a medical practitioner respecting any person shall be made, issued, given or signed by a medical practitioner who is by blood or marriage closely related to or connected with such person.

15. Ex...
 an institu...
 care of the...
 patient sh...
 and disch...
 Act and

16. N...
 upon any...
 or *habea...*
 irregulari...
 of any de

17.—(...
 to the L...
 hospital...
 Deputy M...
 authority...
 treatmen...
 c. 80, s. 1

(2) Th...
 by such p...
 the charg...
 for indig...
Act, 1931

18.—(...
 authorize...
 managen...
 in connec...
 by any o...
 evidence...
 Minister...
 to attend...
 him to p...
 has in ci

(2) Ar...
 ministrat...
 may wh...
 conferred...
 institutio...
amended.

MEN

19. A...
 institutio

15. Except as provided by this Act, the superintendent of an institution shall have full control over and the custody and care of the person of every patient in such institution and every patient shall be maintained, cared for, treated in, released and discharged therefrom only as may be provided by this Act and the regulations. Superintendent to be in charge of patients.

16. No form required by this Act and the regulations shall upon any application, by way of *certiorari*, or motion to quash or *habeas corpus*, be held insufficient or invalid for any irregularity, informality or insufficiency therein or by reason of any defect of form or substance. Forms not invalid for defects in form or substance.

17.—(1) Where the superintendent of any institution reports to the Deputy Minister that any patient therein requires hospital treatment which cannot be supplied therein, the Deputy Minister shall, if otherwise permitted by law, have authority to transfer such patient to a public hospital for treatment, which cannot be supplied in the institution. 1931, c. 80, s. 11 (4), *part amended*. Transfers to public hospitals.

(2) The charges for such hospital treatment shall be paid by such patient unless he is an indigent person, in which case the charges shall be payable in the same manner as charges for indigent patients are payable under *The Public Hospitals Act, 1930, c. 80, Act, 1931.* 1931, c. 80, s. 11 (4), *part amended*. Charges.

18.—(1) Where the Deputy Minister or an inspector is authorized by the Minister to institute an inquiry into the management or affairs of any institution, or into any matter in connection therewith, or into the truth of any returns made by any officer thereof and deems that any person should give evidence before him on oath, the inspector or the Deputy Minister shall have the same power to summon such person to attend as a witness, to enforce his attendance and to compel him to produce documents and to give evidence as any court has in civil cases. Special inquiry by Deputy Minister or inspector.

(2) An inspector appointed under any other Act, the administration of which is under the charge of the Minister, may when authorized by the Minister exercise the powers conferred by subsection 1 in respect to any hospital or other institution subject to such other Act. 1931, c. 80, s. 5, *amended*.

PART IV

MENTALLY ILL AND MENTALLY DEFECTIVE PERSONS

19. Any person who is mentally ill may be admitted to an institution as a voluntary patient, and any person who is mentally

mentally ill or mentally defective may be admitted to an institution as a,—

- (a) certificated patient;
- (b) Deputy Minister's warrant patient;
- (c) Lieutenant-Governor's warrant patient;
- (d) patient remanded by a judge or a magistrate in accordance with the provisions of this Act and the regulations.

Voluntary patients, how admitted.

20.—(1) The superintendent of an institution may receive and detain therein as a patient any person suitable for care and treatment who voluntarily makes written application in the prescribed form and whose mental condition, in the opinion of the superintendent, is such as to render him competent to make application. R.S.O. 1927, c. 353, s. 11 (1), *amended*.

Limit of period of detention.

(2) Subject to the provisions of section 25, a person so received shall not be detained more than five days after having given notice in writing of his desire to leave the institution. R.S.O. 1927, c. 353, s. 11 (2), *amended*.

When person not to be admitted as a voluntary patient.

(3) No person may be admitted as a voluntary patient who is,—

- (a) a person suffering from mental illness or infirmity due to old age or from incurable disease for which general hospital or other institutional care is required;
- (b) a mental defective.

Certificated patients.

21.—(1) Certificated patients shall be admitted to an institution only upon the prescribed certificates of two medical practitioners, and in every case the history record and financial statement in the prescribed form shall accompany such certificate or certificates. R.S.O. 1927, c. 353, s. 6, *amended*.

Medical certificate.

(2) Every such certificate shall state and show clearly that the medical practitioner signing it personally examined the patient separately from any other medical practitioner and, after due inquiry into all the necessary facts relating to the case of the patient, found him to be mentally ill or mentally defective. R.S.O. 1927, c. 353, s. 7 (1), *amended*.

Contents.

(3) Each medical practitioner shall also in such certificate state the facts upon which he has formed his opinion of the

mental

mental
by him
every
subsc
certific
was m

(4)
except
any ce

22.
of the
within
or to t
the pa
by thi

23.
or cert
subsec
person
author
of any
or ma
detai
menta
amend

24.
defect
subjec
the he
and ce
head
dstitu
practi
c. 353

25.
section
a volu
admit
detai
patien
the ac
the pr

(2)
issued

mental illness or deficiency, distinguishing the facts observed by him from the facts communicated to him by others, and every such certificate shall be signed in the presence of one ^{Signature and attestation.} subscribing witness who shall not be a physician issuing a certificate, and shall show the date upon which the examination ^{Date.} was made. R.S.O. 1927, c. 353, s. 7 (2), *amended.*

(4) No person may be admitted as a certificated patient ^{Limitation of certificate.} except within three months of the examination referred to in any certificate. R.S.O. 1927, c. 353, s. 7 (2), *amended.*

22. Every certificate shall be completed within seven days ^{To be completed in 7 days and forwarded in 14 days.} of the examination referred to therein and shall be forwarded within fourteen days of such examination to the Department or to the superintendent of the institution in the district where the patient resides, together with all other material required by this Act and the regulations.

23. Subject to the provisions of section 13, the certificate ^{Authority to convey and detain.} or certificates, when accompanied by the forms mentioned in subsection 1 of section 21, shall be sufficient authority to any person to convey the patient to the institution and to the authorities thereof to detain him therein, or to the authorities of any other institution to which the patient may have been or may be removed by the order of the Deputy Minister to detain him in such institution as long as he continues to be mentally ill or mentally defective. R.S.O. 1927, c. 353, s. 8, *amended.*

24. In any municipality where a mentally ill or mentally defective person is in destitute circumstances and is a fit ^{Examination of destitute person.} subject for hospital treatment, application may be made to the head of the municipality for an examination to be made and certificates given in accordance with section 21, and the head of the municipality, if satisfied that such person is in destitute circumstances, shall immediately notify two medical practitioners to make the required examination. R.S.O. 1927, c. 353, s. 10, *amended.*

25.—(1) Notwithstanding anything in subsection 2 of section 20, any mentally ill person who has been admitted as ^{Certification of patient in an institution.} a voluntary patient and any habituate patient, or any person admitted under the provisions of section 36, or any person detained under section 61, may be continued as a certificated patient upon the certificates of two medical practitioners with the accompanying history record and financial statement in the prescribed form.

(2) The certificates required by subsection 1 shall not be ^{Practitioner not to be Departmental officer, etc.} issued by any medical practitioner who is an officer of the

Department

mental

Department, and a certificate upon which any patient was admitted to an examination unit shall not be a certificate for the purpose of this section.

Certificated patient.

(3) Upon a person being certificated under this section, he shall thereafter during the time he is a patient be a certificated patient within the meaning of this Act and be subject to the provisions of this Act and the regulations respecting certificated patients.

Warrant to apprehend mentally ill or mentally defective person.

26.—(1) Where an information is laid before any justice of the peace that any person, within the limits of his jurisdiction, is or is suspected or believed by the person laying the information to be mentally ill or mentally defective, such justice of the peace may issue his warrant in the prescribed form to apprehend such person and to cause him to be brought before a magistrate having jurisdiction. R.S.O. 1927, c. 353, s. 12 (1), *amended.*

Form of warrant.

(2) Every such warrant shall be under the hand of the justice of the peace issuing the same and may be directed to all or any of the constables or other peace officers of the locality within which the justice has jurisdiction, and shall name or otherwise describe the person against whom the information has been laid, and shall state that information has been laid on oath that such person is mentally ill or mentally defective. R.S.O. 1927, c. 353, s. 12 (2), *amended.*

Before whom returnable.

(3) The warrant shall order the person to whom it is directed to apprehend the person against whom the information has been laid and to bring him before a magistrate having jurisdiction, in order that inquiry may be made respecting the mental condition of such person and that he may be further dealt with according to law. R.S.O. 1927, c. 353, s. 12 (3), *amended.*

Apprehension without warrant.

(4) Any person apparently mentally ill or mentally defective and conducting himself in a manner which in a normal person would be disorderly, may be apprehended without a warrant by any constable or peace officer and detained in some safe and comfortable place until the question of his mental condition is determined as prescribed by section 29. R.S.O. 1927, c. 353, s. 13, *amended.*

Proceedings on apprehension.

(5) Where the person alleged to be mentally ill or mentally defective has been apprehended under a warrant or in the manner provided in the next preceding subsection, he shall be brought before a magistrate and the magistrate may thereupon by his order in the prescribed form direct that such person be confined in some safe and comfortable place, or in the custody of the constable or other person who apprehended

hended

hended h
deems fit
terminated

27.—(1)
qualified
the purpose

(2) Im
mentally
before w
practition
legally c
practition
notify t
shall ca
provided
amended.

28.—
in the r
evidence
mental c
defective
his friend
person c
and pre
ascertain
defective
where th
if any, c
as possib
in the p
inquiries
been ob
make th

(2) T
inquiry
section 5
by this

29.—
magistra
mentally
mentally
scribed

(2) H
tion do

which any patient was not to be a certificate for

under this section, he patient be a certificated and be subject to the respecting certificated

before any justice of its of his jurisdiction, n laying the informa- ve, such justice of the rcribed form to appre- be brought before a 927, c. 353, s. 12 (1),

er the hand of the nd may be directed peace officers of the risdiction, and shall against whom the te that information n is mentally ill or s. 12 (2), amended.

son to whom it is whom the informa- magistrate having made respecting the e he may be further 7, c. 353, s. 12 (3),

r mentally defective in a normal person l without a warrant tained in some safe his mental condition 29. R.S.O. 1927,

tally ill or mentally warrant or in the subsection, he shall e magistrate may orm direct that such nfortable place, or person who appre-

hended

hended him, or such other safe custody as the magistrate deems fit, until the question of his mental condition is determined. R.S.O. 1927, c. 353, s. 14, amended.

27.—(1) The Minister may appoint one or more legally qualified medical practitioners in any territorial division for the purposes of this section. R.S.O. 1927, c. 353, s. 15 (1). Appointment of medical examiner.

(2) Immediately upon the apprehension of an alleged mentally ill or mentally defective person the magistrate before whom he is brought shall notify one of such medical practitioners, if any have been appointed, and one other legally qualified medical practitioner, or if no medical practitioner has been so appointed the magistrate shall notify two legally qualified medical practitioners and shall cause an examination to be made in the manner provided in section 21. R.S.O. 1927, c. 353, s. 15 (2), amended. Examination by two medical practitioners.

28.—(1) The magistrate, in addition to the examination in the next preceding section prescribed, shall hear such evidence upon oath as may be adduced with reference to the mental condition of the said alleged mentally ill or mentally defective person and shall direct that inquiry be made as to his friends or relatives in order that the evidence of some person or persons who is or are acquainted with his family and previous habits may be had, and for the purpose of ascertaining whether the alleged mentally ill or mentally defective person is possessed of any and what property, and where the same is situate, and also as to the number of persons, if any, dependent upon him for support, and to elicit as far as possible all information in respect to the matters mentioned in the prescribed form; but if the magistrate finds that such inquiries will be expensive or that sufficient information has been obtained by other means, he shall not be required to make the inquiries by this section directed. Hearing of evidence, inquiring among friends, etc.

(2) The magistrate may from time to time adjourn the inquiry and again commit to custody, as prescribed by subsection 5 of section 26, until proper inquiry is made as directed by this section. R.S.O. 1927, c. 353, s. 16, amended. Adjournment of inquiry.

29.—(1) If, after reasonable inquiry has been made by the magistrate as herein directed, he is satisfied that such alleged mentally ill or mentally defective person is mentally ill or mentally defective, he shall certify accordingly in the prescribed form. Magistrate's certificate of mental illness or defect.

(2) If both the medical practitioners making the examination do not agree, or if the magistrate is not satisfied that such Discharge of persons not mentally ill or defective and disposal of persons whose mental condition is uncertain.

such person is mentally ill or mentally defective, the magistrate shall forthwith discharge him, or order such further examination as he shall deem expedient, or may remand him to an institution for a period not exceeding sixty days, in which case the provisions of subsections 2, 3 and 4 of section 36 shall apply *mutatis mutandis*. R.S.O. 1927, c. 353, s. 18, *amended*.

Magistrate's certificate, etc., to be sent to Deputy Minister.

30.—(1) Where any such person is found to be mentally ill or mentally defective the magistrate shall immediately transmit to the Deputy Minister his certificate and the certificates of the medical practitioners and the information, warrant and depositions taken before him, accompanied by a written statement of the result of his inquiries as to the financial condition of such mentally ill or mentally defective person and the person or persons legally liable for his maintenance, and as to the other matters mentioned in the prescribed form, so far as ascertained, and giving the present address of such mentally ill or mentally defective person, and the name and address of the person in whose custody he is, and such further information as he may deem advisable.

Deputy Minister's warrant and removal to institution.

(2) The Deputy Minister, on receipt of such documents, shall arrange for the admission of such mentally ill or mentally defective person to an institution and shall issue a warrant in the prescribed form for his transfer thereto. R.S.O. 1927, c. 353, s. 19, *amended*.

Application of Rev. Stat., c. 121.

31. A magistrate in making an inquiry shall have the like authority for compelling the attendance of witnesses as he would have if acting under *The Summary Convictions Act*, and all the provisions of that Act as to procedure shall apply as nearly as may be to proceedings under this Act. R.S.O. 1927, c. 353, s. 21, *amended*.

Transfer of patient.

32.—(1) The Deputy Minister may, by warrant, transfer a patient from any institution to any other institution.

Transfer from hospital to hospital school and *vice versa*.

(2) Where a patient is transferred under subsection 1 from an hospital school to an hospital or from an hospital to an hospital school, such warrant shall be accompanied by such certificates as are required for the admission of a certificated patient to the institution to which the patient is being transferred.

Transfer to and from Ontario Hospital, Woodstock.

(3) Where a patient is transferred under subsection 1 from the Ontario Hospital, Woodstock, to any other institution, or from any other institution to the Ontario Hospital, Woodstock, such warrant shall be accompanied by such certificates as are required for the admission of a certificated patient to the institution to which the patient is being transferred.

33.—
factory
reforma
school o
of any
custody
finding
mentall
remova
person
keeping
order, t
the sati
order su
or other
person i
not liab
Ministe
in Court
directio
R.S.O.

(2) W
of any s
of such
officer r
Institu

34. A
tally de
standing
order un
any of
c. 353, s

35. U
any me
detaine
Ontario
mittal t
his war
vince or
R.S.O. 1

36.—
upon th
been app
with an
by the
order sh

ly defective, the magis-
 or order such further
 ent, or may remand him
 exceeding sixty days, in
 ons 2, 3 and 4 of section
 S.O. 1927, c. 353, s. 18,

found to be mentally ill
 ate shall immediately
 his certificate and the
 rs and the information,
 e him, accompanied by
 his inquiries as to the
 ll or mentally defective
 ally liable for his main-
 mentioned in the pre-
 and giving the present
 tally defective person,
 rson in whose custody
 e may deem advisable.

pt of such documents,
 mentally ill or mentally
 shall issue a warrant in
 thereto. R.S.O. 1927,

iry shall have the like
 ce of witnesses as he
Summary Convictions Act,
 o procedure shall apply
 nder this Act. R.S.O.

y, by warrant, transfer
 other institution.

nder subsection 1 from
 an hospital to an hospi-
 npanied by such certifi-
 of a certificated patient
 is being transferred.

nder subsection 1 from
 y other institution, or
 o Hospital, Woodstock,
 such certificates as are
 icated patient to the
 ng transferred.

33.

33.—(1) The Lieutenant-Governor, upon evidence satis-
 factory to him that any person imprisoned in any prison,
 reformatory, reformatory prison, reformatory school, industrial
 school or industrial refuge for an offence under the authority
 of any of the statutes of Ontario, or imprisoned for safe
 custody charged with an offence, or imprisoned for not
 finding bail for good behaviour or to keep the peace, is
 mentally ill, mentally deficient or epileptic, may order the
 removal of such person to a place of safe keeping; and such
 person shall remain there, or in such other place of safe
 keeping as the Lieutenant-Governor from time to time may
 order, until his complete or partial recovery is certified to
 the satisfaction of the Lieutenant-Governor, who may then
 order such person back to imprisonment if then liable thereto,
 or otherwise to be discharged; provided that where such
 person is confined in an institution he shall, if and when he is
 not liable to imprisonment, be subject to the direction of the
 Minister, or such other person as the Lieutenant-Governor
 in Council may designate, who may make such orders or
 directions in respect of such person as he may deem proper.
 R.S.O. 1927, c. 353, s. 22, *amended*.

Lieutenant-
 Governor's
 warrant.

(2) Where the Lieutenant-Governor has ordered the removal
 of any such person under subsection 1, a record of the sentence
 of such person shall be sent to the Deputy Minister by the
 officer referred to in subsection 1 of section 11 of *The Public
 Institutions Inspection Act, 1931*.

Record of
 sentence
 to be sent
 to Deputy
 Minister.

1931, c. 80.

34. A warrant for the removal of any mentally ill or men-
 tally defective person to an institution may be issued notwith-
 standing any irregularity or insufficiency in the warrant or
 order under which such person is imprisoned or confined or in
 any of the proceedings before the magistrate. R.S.O. 1927,
 c. 353, s. 25, *amended*.

Warrant
 valid not-
 withstanding
 irregularity
 of prior
 proceedings.

35. Upon its appearing to the Lieutenant-Governor that
 any mentally ill, mentally defective or epileptic patient
 detained in an institution has come or been brought into
 Ontario from elsewhere within thirty days prior to his com-
 mittal to such institution, the Lieutenant-Governor may, by
 his warrant, authorize the removal of such person to the pro-
 vince or country from which he has so come or been brought.
 R.S.O. 1927, c. 353, s. 27, *amended*.

Deportation.

36.—(1) Any person may be admitted to an institution
 upon the order of a judge or magistrate where such person has
 been apprehended either with or without warrant and charged
 with any offence, provided that such order is accompanied
 by the prescribed history form, and provided also that such
 order shall be for a period not exceeding sixty days, and any

Remand by
 judge or
 magistrate.

order

order made under this section shall direct that such person shall be conveyed to the institution most conveniently situated to the place where the order is made.

Superintendent's report.

(2) Before the expiration of the time contained in the order of the judge or magistrate mentioned in subsection 1, the superintendent shall report in writing the mental condition of such person to the judge or magistrate.

Certification.

(3) Where in the opinion of such superintendent such person is mentally ill or mentally defective, he shall direct the examination of such person as provided for by section 25, and if the examining medical practitioners certify such patient to be mentally ill or mentally defective he shall be detained as a certificated patient and shall be subject to all the provisions of this Act and of the regulations respecting certificated patients.

Return of patient to court.

(4) Where in the opinion of the superintendent such patient is neither mentally ill nor mentally defective and where the superintendent has failed to obtain certificates in the prescribed form he shall discharge such person to the custody of the court by which he was ordered to the institution.

PROBATION

Probation.

37.—(1) If the superintendent considers it conducive to the recovery of any patient that he should be committed for a time to the custody of his family or friends, the superintendent may allow him to return on probation to them upon receiving a written undertaking in the prescribed form by one or more of the family or friends of such person that he or they will keep an oversight over him. R.S.O. 1927, c. 353, s. 29 (1) *amended.*

Return from probation.

(2) If within six months from such release on probation the patient again becomes mentally ill or defective to such a degree that his confinement in an institution is necessary, the superintendent by whom he was released on probation or the Deputy Minister, may by warrant in the prescribed form directed to any constable or peace officer or other person, authorize and direct that such patient be apprehended and brought back to the institution from which he was released on probation, and such warrant shall be an authority to any one acting under it to apprehend the person named therein and to bring him back to the institution. R.S.O. 1927, c. 353, s. 30, *amended.*

Patients liable to imprisonment.

(3) No person admitted to an institution on the warrant of the Lieutenant-Governor shall be released on probation unless the Deputy Minister has certified to the superintendent that such person is no longer liable to be returned to imprisonment.

38. Any person admitted to an institution who, under the provisions of this Act or of the regulations is released on probation therefrom, shall for the purposes of this Act and the regulations for a period of six months from the date of such release be and be deemed to continue as a patient in such institution in the same manner and to the same extent and be subject to the same control as if he were not so released but had remained in the institution.

Application of the Act to probationers.

APPROVED HOME

39. The Minister may issue certificates approving of any building, premises or place as an approved home for the reception of patients who are released from an hospital or hospital school into the custody of such home and entitling any person to receive into the approved home one or more patients as if such approved home had been established as an hospital under the authority of this Act.

Certificate for approved home.

40.—(1) If the superintendent considers it conducive to the recovery of any patient, the superintendent may place such patient in an approved home, subject to the provisions of this Act and the regulations.

Release of patients to approved homes.

(2) No person admitted to an institution on the warrant of the Lieutenant-Governor shall be placed in an approved home unless the Deputy Minister has certified to the superintendent that such person is no longer liable to be returned to imprisonment.

Patients liable to imprisonment.

41. Any patient admitted to an institution who is placed in an approved home shall for the purposes of this Act and the regulations be and be deemed to continue as a patient in such institution in the same manner and to the same extent and be subject to the same control, as if he were not so released but had remained in the institution.

Application of the Act to patients in approved homes.

DISCHARGE

42.—(1) A voluntary patient shall be discharged from the institution in which he is a patient—

Voluntary patient.

(a) when, in the opinion of the superintendent, it is in the interest of such patient or of the hospital that he be discharged; or

(b) for admission to a sanitarium which is subject to *The Private Sanitarium Act*; or

Rev. Stat., c. 355.

(c)

(c) in accordance with the conditions upon which he was admitted.

(2) A voluntary patient may be discharged when default is made in payment of his maintenance.

Certificated patient.

43. A certificated patient shall be discharged from the institution in which he is a patient—

(a) when, in the opinion of the superintendent, he is sufficiently recovered; or

Rev. Stat.,
c. 355.

(b) when, although not recovered, he may be admitted to a sanitarium which is subject to *The Private Sanitarium Act*.

Lieutenant-Governor's and Deputy Minister's warrant patient.

44.—(1) Any patient who has been admitted to an institution on the warrant of the Lieutenant-Governor or Deputy Minister shall be discharged from the institution in which he is a patient—

(a) when, in the opinion of the superintendent, he is sufficiently recovered; or

Rev. Stat.,
c. 355.

(b) when, although not recovered, he may be admitted to a sanitarium which is subject to *The Private Sanitarium Act*.

Discharge.

(2) The superintendent shall not discharge any patient under this section unless the Deputy Minister has certified to the superintendent that such person is no longer liable to imprisonment.

Removal of patient to house of refuge.

45. The Deputy Minister may, upon the report of an inspector, direct that any patient in an institution whose mental condition is due to senility and whose conduct is recorded as quiet and harmless and who is a proper subject for care in a house of refuge, be discharged from such institution and placed in a house of refuge in the county in which he was a resident at the time of admission to the institution and the board of management and superintendent of such house of refuge shall admit such person and maintain him therein. 1931, c. 80, s. 12, *amended*.

ESCAPE AND APPREHENSION

Apprehension of escaped patient.

46.—(1) Any patient admitted to an institution who escapes therefrom or who, contrary to the provisions of this Act or the regulations, leaves or is taken away or removed

therefrom

therefrom may be apprehended without a warrant at any time within sixty days from the day of his escape by any peace officer, police officer or police constable or any person appointed by the superintendent or the Deputy Minister.

(2) Any patient upon his apprehension under the provisions of subsection 1 shall be taken to and confined in any place of detention and from thence and as speedily as possible be returned to an institution. R.S.O. 1927, c. 353, s. 28, amended. ^{Detention pending return to institution.}

PART V.

HABITUES

47.—(1) The superintendent of an institution may receive and detain therein as a patient, any habitue for care and treatment who voluntarily makes written application in the prescribed form provided that in the opinion of such superintendent he is, at the time of his admission, capable of appreciating the fact that he is to be admitted as a voluntary patient. R.S.O. 1927, c. 353, s. 55, amended. ^{Voluntary admission.}

(2) Subject to section 25, such habitue may be detained in the institution for a period of one year, and no longer, and it shall be a condition of his admission to the institution that he shall remain therein such length of time, not exceeding one year, as, in the opinion of the superintendent, is required; and before admission is awarded he shall sign a pledge agreeing and consenting to such specified condition, and to faithfully conform himself to all the rules and regulations of the institution while an inmate of the same. R.S.O. 1927, c. 353, s. 56, amended. ^{Time of detention.} ^{Pledge.}

48.—(1) On petition verified by oath, presented to a judge in chambers of the county or district court of the county or district in which the alleged habitue resides, setting forth that the alleged habitue is a *bona fide* resident of Ontario, and is so given over to the use of alcohol or drugs that he is unable to control himself or is incapable of managing his affairs or squanders or mismanages his property, or places his family in danger or distress, or transacts his business prejudicially to the interests of his family or his creditors, or that he uses drugs or intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health and shortening his life thereby, and praying that a hearing and examination of the matters and allegations set forth in the petition may be had, the judge shall direct that a copy of the petition, together with a notice of appointment in the prescribed form, shall be served upon the alleged ^{Commitment on judge's order.}

habitue

therefrom

habitué at least forty-eight hours before the time fixed for the hearing.

Who may petition.

(2) Such petition may be made by any relatives, whether by blood or affinity, or, if he has no relatives in Ontario by any friend of the alleged habitué or by the family medical attendant. R.S.O. 1927, c. 353, s. 58, *amended*.

Inquiry.

49.—(1) The judge shall attend at the time and place named in the appointment and then and there proceed upon *viva voce* evidence to inquire into the matters and allegations set forth in the petition, and whether or not the alleged habitué is in attendance or is represented may proceed to inquire into the matters and allegations set forth in the petition provided that service of the appointment as required by the next preceding section is proven and he may in his discretion adjourn the inquiry from time to time. R.S.O. 1927, c. 353, s. 59, *amended*.

Where person petitioned against cannot appear.

(2) Where at the time that service of the appointment and of the copy of the petition is sought to be served, the alleged habitué is confined in an institution under the provisions of section 54 and is in the opinion of the superintendent suffering from the effects of alcohol or drugs to such a degree that he is incapable of appreciating the nature of such documents or is unable to attend before the judge on the return of the appointment, such superintendent shall report such facts to the judge in writing and the judge may, where he deems it expedient to do so, proceed with the inquiry in the absence of the alleged habitué.

Where the person is detained in an institution.

(3) Where any such alleged habitué is detained in an institution under the provisions of section 54, the judge may order that such person be there detained until a date not later than ten days after the completion of the inquiry.

Powers of judge.

50. The judge shall have the same powers as to summoning witnesses, enforcing their attendances and the production of documents as in proceedings in the county or district court, and each party may retain counsel to conduct the proceedings and to examine witnesses. R.S.O. 1927, c. 353, s. 60.

Judge's report.

51.—(1) If the judge upon such inquiry finds the person petitioned against to be an habitué, and so given over to the use of alcohol or drugs as to render him unable to control himself and incapable of managing his affairs, or that on that account he squanders or mismanages his property; or places his family in danger or distress, or transacts his business prejudicially to the interests of his family or his creditors; or that he uses drugs or intoxicating liquors to such an extent

as to render him in danger of injury to himself shall forthwith report to the reporter a written certificate containing a legally binding statement of such facts as to the persons, whose conduct is

(2) For evidence of such persons who have habits of drinking said habitué where the persons, if c. 353, s.

52.— Minister of an institution therein

(2) T in some as the j to an im

53.— alcohol detained certificate form ac

(2) S of the such petition certificate such person such a c

(3) E state th tinguish munication be signed show th

as to render him dangerous to himself and others; or incurs the danger of ruining his health or shortening his life, the judge shall forthwith report the fact to the Deputy Minister and with the report shall transmit the evidence taken accompanied by a written statement of the result of his inquiries as to the financial condition of such habitue, and the person or persons legally liable for his maintenance and giving the present address of such habitue and the name and address of the person in whose custody he is, and the names and addresses of such persons, if any, dependent upon him for support.

(2) For the purposes aforesaid, the judge shall hear such evidence upon oath and may require that some person or persons who is or are acquainted with his family and previous habits be heard for the purpose of ascertaining whether the said habitue is possessed of any and what property, and where the same is situated, and also as to the number of persons, if any, dependent upon him for support. R.S.O. 1927, c. 353, s. 61, *amended*.

Hearing of evidence.

52.—(1) Upon receipt of the report and evidence the Deputy Minister may by warrant direct the removal of the habitue to an institution to be placed under treatment and detained therein for a period not exceeding two years.

Deputy Minister's warrant.

(2) The judge may order that such habitue be confined in some safe and comfortable place, or such other custody as the judge deems fit until such time as he may be removed to an institution. R.S.O. 1927, c. 353, s. 62, *amended*.

Detention pending removal to institution.

53.—(1) Any person who is suffering from the effects of alcohol or drugs may be admitted to an institution and detained therein for a period not to exceed thirty days on the certificates of two medical practitioners in the prescribed form accompanied by the prescribed history form.

Temporary commitment by two medical practitioners.

(2) Such certificate shall state and show clearly that each of the medical practitioners signing it personally examined such person and as a result of such examination and of information communicated to him by other persons is of opinion that such person is suffering from the effects of alcohol or drugs to such a degree as to require hospital care.

Form of medical certificate.

(3) Each medical practitioner shall also in such certificate state the facts upon which he has formed his opinion, distinguishing the facts observed by him from the facts communicated to him by others, and every such certificate shall be signed in the presence of one subscribing witness and shall show the date upon which the examination was made.

Contents.

(4)

Limitation
of
certificate.

(4) No person shall be admitted as an habituate patient upon any such certificate except within three days of the examination referred to in any certificate.

Authority
to convey
and detain.

54. The certificates when accompanied by the prescribed history form shall be sufficient authority for any one to convey such person to an institution, provided that permission, either verbally or in writing for such admission has been obtained from the Deputy Minister or the superintendent, and shall be sufficient authority for the superintendent to detain the person named therein.

Discharge of
habitues.

55. The superintendent of any institution shall have full authority to discharge any patient who has been admitted to such institution as an habitue when—

(a) in the opinion of the superintendent he is sufficiently recovered; or

(b) it is in the interest of such patient or of the hospital that he be discharged; or

Rev. Stat.,
c. 355.

(c) for admission to a sanitarium which is subject to *The Private Sanitarium Act*; or

(d) default is made in payment of his maintenance.

Provisions
applicable
to habitues.

56. Sections 24, 25, 32, 37, 38, 39, 40, 41, 45 and 46 of this Act shall apply *mutatis mutandis* to habitues.

PART VI

EPILEPTICS

Ontario
Hospital,
Woodstock,
object and
design.

57. The Ontario Hospital, Woodstock, with all the lands, buildings, real estate and appurtenances thereunto attached, and whatever lands or real estate may hereafter be purchased or acquired for the same, and whatever buildings may hereafter be erected thereupon, shall be for the public use of the Province and the object and design of such hospital shall be to provide for the treatment and custodial care of epileptics. R.S.O. 1927, c. 356, ss. 1, 2, *amended*.

Admission:
classes of
patients.

58. Any person suffering from epilepsy may be admitted to such hospital who is a—

(a) voluntary patient;

(b) certificated patient;

(c) Deputy Minister's warrant patient;

(d)

1935.

(d) L

(e) p

59. Th
mutandis

60. Th
building, p
or place in
as an exam

61.—(1)
of the obser
tion unit n
thirty days
superintend
in the pres
form.

(2) The
shall be suff
named ther
of the said e

62. No p
period in e
Minister sh
additional s
patient who
the next pre

63.—(1)
patient in a
section 61, h
the provisio
require.

(2) Where
he shall be tr
shall thereaft
regulations w
school.

- (d) Lieutenant-Governor's warrant patient;
- (e) patient remanded by a judge or magistrate for observation in accordance with the provisions of this Act and the regulations.

59. The provisions of sections 20 to 46 shall apply *mutatis mutandis* to the Ontario Hospital, Woodstock. Provisions applicable.

PART VII

EXAMINATION UNITS

60. The Minister may issue certificates approving of any building, premises or place, or part of any building, premises or place including any part of any hospital or hospital school as an examination unit. Certificate.

61.—(1) Any person who is or is believed to be in need of the observation, care and treatment provided in an examination unit may be admitted thereto for a period not exceeding thirty days with the permission of the Deputy Minister or superintendent, on the certificate of one medical practitioner in the prescribed form accompanied by the prescribed history form. Admission of patients on medical certificate.

(2) The certificate mentioned in subsection 1 of this section shall be sufficient authority to any person to convey the person named therein to such examination unit and to the authorities of the said examination unit for his detention therein. Authority to convey and detain.

62. No patient shall remain in an examination unit for a period in excess of thirty days, provided that the Deputy Minister shall have authority to extend the period for an additional sixty days in the case of any patient other than a patient who has been admitted according to the provisions of the next preceding section. Limit of stay in examination unit.

63.—(1) Where a person has been admitted to and is a patient in an examination unit according to the provisions of section 61, he shall be discharged, or certificated according to the provisions of section 25, as the needs of his case may require. Disposal of patients.

(2) Where a person has been certificated under subsection 1, he shall be transferred to an hospital or hospital school and he shall thereafter be subject to the provisions of this Act and the regulations with respect to patients in an hospital or hospital school. Certificated patients, removal of

(d)

PART VIII

LIABILITIES OF MUNICIPALITIES, MAINTENANCE, PROPERTY

Liability of municipality for costs of determining mental condition.

64.—(1) The necessary costs and expenses incurred under the provisions of sections 24, 25, 26 to 30 and 36 in determining the mental condition of any person including a fee not exceeding \$5 and a travelling allowance of 10 cents per mile of each medical practitioner who issues a certificate in respect of such person and the necessary expenses incurred in conveying such person to and from an institution shall be paid by the municipality from which such person came or was sent to an institution.

Recovery from estate, etc.

(2) Where such person is not in destitute circumstances the costs and expenses may be recovered by the municipality from his estate or from him or the person liable for his maintenance.

Recovery from municipality where patient resided.

(3) Subject to subsection 2 where the costs and expenses mentioned in subsection 1 hereof are paid by a municipality in which such person did not actually reside at the time of his admission to an institution, such costs and expenses may be recovered by the municipality paying the same from the municipality in which such person actually resided at the time of admission to the institution.

Reimbursement.

(4) Such costs and expenses shall be reimbursed to the corporation of the municipality by the corporation of the county where the municipality paying the same is a part of the county for municipal purposes.

Persons deported into Ontario, costs of examining.

65.—(1) If an alleged mentally ill, mentally defective or epileptic person deported from any country to Ontario is adjudged mentally ill, mentally defective or epileptic and is removed to an institution, all the costs and expenses properly incurred in his apprehension, examination and detention pending his removal to such institution, shall be paid by the corporation of the municipality in which such person was last resident in Ontario prior to his departure to the country from which he was deported.

Reimbursement.

(2) Where such person is not in destitute circumstances, the costs and expenses referred to in subsection 1, paid by the corporation of any municipality in which such person was last resident in Ontario prior to his departure to the country from which he was deported, may be recovered by it from the estate of such person or from the person liable for his maintenance and the same shall be charged against the estate of such person

or

or shall be
R.S.O. 19

66.—
Tax Act s
this Act c

(2) Ev
50 cents p
for the m
Hospital,
time of h

67.—
person th
make a f
in existen
free from
for his m
by the re

(2) Th
require f
an agree
maintena
or bond
tained in

(3) W
herein sh

(4) Th
release t
and clo
R.S.O. 1

68. A
time of h
of prop
c. 353, s

69. A
the main
amended

70. A
who is a

71. I
send a v

or shall be paid by the person legally liable for his maintenance. R.S.O. 1927, c. 353, s. 20, *amended.*

66.—(1) The provisions of section 24 of *The Corporations Tax Act* shall apply to any institution within the meaning of this Act except the Ontario Hospital, Woodstock. Liability of municipality for maintenance. Rev. Stat., c. 29.

(2) Every municipality shall be liable in the amount of 50 cents per day, including the day of admission and discharge, for the maintenance of every indigent patient in the Ontario Hospital, Woodstock, who resided in such municipality at the time of his admission to the hospital. Ontario Hospital, Woodstock.

67.—(1) Upon due application for the admission of any person the superintendent and steward of the institution shall make a full and thorough inquiry respecting the estate, either in existence or in prospect, of such person and of its sufficiency, free from all claims of his family, to supply the means necessary for his maintenance and clothing in the institution as provided by the regulations. Inquiry regarding estate.

(2) The superintendent and steward shall where possible require from the person liable for maintenance of the patient an agreement or bond to secure the payment of the patient's maintenance, either in whole or in part; and such agreement or bond shall continue in force so long as the patient is maintained in any institution. Bond for maintenance.

(3) Where the obligation is for a limited period nothing herein shall extend the liability beyond the period limited. Liability limited.

(4) The giving of an agreement or bond shall in no way release the estate of the patient from its obligation to maintain and clothe him in the institution as hereinafter provided. R.S.O. 1927, c. 353, s. 9, *amended.* Liability of patient's estate.

68. Any patient admitted to an institution who has at the time of his admission or subsequently comes into the possession of property shall be liable for his maintenance. R.S.O. 1927, c. 353, s. 34, *amended.* Patient's liability.

69. Any person whose wife is a patient shall be liable for the maintenance of such patient. R.S.O. 1927, c. 353, s. 34, *amended.* Liability for married woman.

70. A parent shall be liable for the maintenance of his child who is a patient. R.S.O. 1927, c. 353, s. 31, *amended.* Liability for child.

71. It shall be the duty of the steward of an institution to send a written notice on the first day of each of the months of Notice of liability.

- January, April, July and October to the party liable for payment of the maintenance of any patient, giving the date of patient's admission to the institution and the amount which is due and owing for his maintenance as provided by the regulations, and in such notice a demand shall be made by the steward upon the party liable for payment of maintenance for such sum as may be due and owing and such sum shall be forthwith paid on such demand. R.S.O. 1927, c. 353, ss. 31, 32, *amended.*
- Demand.**
- Application order for payment of maintenance.** **72.**—(1) In case of refusal or neglect to pay the sum so demanded, the Deputy Minister or any officer whom he may designate may apply to a judge of the county or district court of the county or district in which the person liable to pay resides for an order for the payment of the amount then due.
- Notice.** (2) Ten days' notice of the application shall be given.
- Judge's order.** (3) If the judge is satisfied that the person against whom the application is made is liable he may make an order accordingly, and such order may be enforced in the same manner as a judgment of the court. R.S.O. 1927, c. 353, s. 33, *amended.*
- Public Trustee ex officio committee.** **73.** Subject as in this Part is otherwise provided the Public Trustee shall *ex officio* be the committee of the estate of every patient admitted to an institution until he is discharged therefrom. R.S.O. 1927, c. 353, s. 35, *amended.*
- Where committee appointed prior to admission.** **74.** If prior to or at the time any person is admitted as a patient in an institution the Supreme Court under the authority of *The Lunacy Act* has appointed some person other than the Public Trustee to be the committee of the estate of such person, the Public Trustee shall not in such case be the committee unless he is subsequently appointed as such by the Supreme Court. *New.*
- Rev. Stat., c. 98.**
- Appointment of Public Trustee instead of committee under *The Lunacy Act*.** **75.** Notwithstanding that under the authority of *The Lunacy Act* some person other than the Public Trustee has been appointed by the Supreme Court as the committee of the estate of a patient in an institution, the Supreme Court may at any time upon the application of the Public Trustee appoint him as committee in the place and stead of the person theretofore appointed, and on appointment the Public Trustee shall have and may exercise all the rights and powers conferred upon him by this Act with regard to the management of patients' estates. *New.*
- When Public Trustee is committee for voluntary and habituate patient.** **76.** The Public Trustee shall not be the committee of the estate of a voluntary patient, or an habituate patient until

such

such
period
expira
signed
the Pu
Court

77.
comm
of *Th*
to be
comm
come
due fo
s. 36.

78.
comm
the o
shall
s. 37,

79.
patie
order
s. 38.

80.
again
has r
proce
writ
menc
shall
stater
is det
in the
servic
reason
serve
amen

81.
patie
with
woul
R.S.O

82.
the p

such patient remains as a patient in an institution for a period of not less than three months, unless prior to the expiration of such period the patient by writing under seal signed by him appoints the Public Trustee as committee or the Public Trustee is appointed as committee by the Supreme Court. *New.*

77. If the Supreme Court shall at any time appoint a committee of the estate of any patient under the provisions of *The Lunacy Act* the Public Trustee shall thereupon cease to be committee, and shall account for and transfer to the committee so appointed the estate of the patient which has come into his hands, retaining however so much as may be due for the maintenance of the patient. R.S.O. 1927, c. 353, s. 36. *amended.*

Appointment of committee by Supreme Court.

78. An order shall not be made for the appointment of a committee of any patient confined in an institution without the consent of the Public Trustee, unless five days' notice shall have previously been given to him. R.S.O. 1927, c. 353, s. 37. *amended.*

Consent of Public Trustee.

79. The acts of the Public Trustee while committee of a patient shall not be rendered invalid by the making of an order appointing another committee. R.S.O. 1927, c. 353, s. 38.

Acts of Public Trustee not affected by subsequent appointment.

80. When an action or proceeding is brought or taken against any patient in an institution for whom a committee has not been appointed by the court and such action or proceeding is in connection with the estate of such person, the writ or other document by which the proceedings are commenced and any other document requiring personal service shall be served upon the Public Trustee endorsed with a written statement of the name of the institution in which the patient is detained, and shall also be served upon the patient unless in the opinion of the superintendent of the institution personal service upon the patient would cause serious harm to him by reason of his mental condition, in which case it shall also be served upon the superintendent. R.S.O. 1927, c. 353, s. 39. *amended.*

When service of process to be made on Public Trustee.

81. The Public Trustee as statutory committee of any such patient shall have and may exercise all the rights and powers with regard to the estate of the patient that such patient would have if of full age and of sound and disposing mind. R.S.O. 1927, c. 353, s. 40. *amended.*

Powers of Public Trustee.

82. Any recital in a lease, mortgage or conveyance that the patient is in an institution and that the Public Trustee is

Recital in documents as to patients.

such

his

his statutory committee shall be *prima facie* evidence of the facts recited. R.S.O. 1927, c. 353, s. 44, *amended*.

Purposes for which powers of Public Trustee may be exercised.

83. The powers conferred upon the Public Trustee as statutory committee of the estate of a patient may be exercised:

- (a) notwithstanding the patient being released upon probation or being placed in an approved home;
- (b) to carry out and complete any transaction entered into by the patient before he or she became a patient in an institution;
- (c) to carry out and complete any transaction entered into by the statutory committee notwithstanding that the patient may have been discharged or may have died after the transaction was commenced. R.S.O. 1927, c. 353, s. 45, *amended*.

Costs and charges of Public Trustee lien on property.

84. The costs, charges and expenses of the Public Trustee and any money advanced by him for the patient or for the maintenance of the family of the patient shall be a charge upon the property of the patient, and the Public Trustee may register a certificate under his hand and seal of office giving notice of any lien claimed and the property against which it is claimed in any registry office or land titles office. R.S.O. 1927, c. 353, s. 46.

When gifts, grants, etc., deemed fraudulent.

85. Every gift, grant, alienation, conveyance or transfer of property made by any person who is or becomes a patient in an institution shall be deemed to be fraudulent and void, as against the statutory committee, if the same is not made for full and valuable consideration actually paid or sufficiently secured to such person, or if the purchaser or transferee had notice of his mental condition. R.S.O. 1927, c. 353, s. 47, *amended*.

Case of death of patient.

86. Upon the death of any patient the Public Trustee may until probate of the will or letters of administration to the estate of such patient is granted to some other person and notice is given to the Public Trustee, continue to manage the estate and may exercise with respect thereto the powers which an executor would have if the property were devised or bequeathed to him in trust for payment of debts and distribution of the residue. R.S.O. 1927, c. 353, s. 48, *amended*.

Account by Public Trustee.

87. The Public Trustee shall be liable to render an account as to the manner in which he has managed the property and effects of the patient in the same way and subject to the same

responsibility

1935.

respon
appoi
and s
his a
be pe
c. 353

88.
comm
excee
like s
Trust
1927,

89.
in the
the su
his aff
such p
Supre
prop
in the
s. 51,

90.
belong
pay th
in whi
may c
person
tenanc
notwit
ment o
patien

91.
the sa
written
order o
c. 353,

92.
Publ
or to in

93.
the ad
of Man
Ontario
Manito

responsibility as any trustee, guardian or committee duly appointed for a similar purpose may be called upon to account, and shall be entitled from time to time to bring in and pass his accounts and tax costs in like manner as a trustee but shall be personally liable only for wilful misconduct. R.S.O. 1927, c. 353, s. 49, *amended*.

88. For the services rendered by the Public Trustee as committee of a patient, he may be allowed compensation not exceeding the amount which a trustee would be allowed for like services, but in cases of poverty or hardship the Public Trustee may forego any claim for compensation. R.S.O. 1927, c. 353, s. 50. Compensation of Public Trustee.

89. When a person discharged from an institution may not in the opinion of the Public Trustee based upon the report of the superintendent of such institution be competent to manage his affairs and the Public Trustee has in his hands property of such person as committee under this Act, he may apply to the Supreme Court for directions as to the disposal of such property; and the court may give such orders and directions in the premises as it may deem just. R.S.O. 1927, c. 353, s. 51, *amended*. Relief of Public Trustee on discharge of patient.

90. The Public Trustee shall, out of the money in his hands belonging to a patient for whom he is statutory committee, pay the proper charges for his maintenance in the institution in which he is a patient, and he may also pay such sums as he may deem advisable to the family of such patient or other person dependent upon him, and the payments for the maintenance of the family and other dependents may be made notwithstanding that such payments may prevent the payment of maintenance which otherwise would be due from the patient. R.S.O. 1927, c. 353, s. 52, *amended*. Payment of charges for maintenance of patient.

91. If there is any money in court to the credit of a patient the same shall be paid out to the Public Trustee upon his written application, and it shall not be necessary to obtain an order of the court or a judge for this purpose. R.S.O. 1927, c. 353, s. 54, *amended*. Payment of money out of court.

92. Nothing in this Act shall make it the duty of the Public Trustee to institute proceedings on behalf of a patient or to intervene in respect of his estate. Statutory duty.

93.—(1) The Lieutenant-Governor in Council may appoint the administrator of Estates of Insane Persons for the Province of Manitoba to be committee of the estate in the Province of Ontario of any lunatic who is detained in a public asylum in Manitoba. Administrator for Manitoba may be appointed committee in Ontario.

Saskat-
chewan.

(2) The Lieutenant-Governor in Council may appoint the Administrator of Estates of the Mentally Incompetent of the Province of Saskatchewan to be the committee of the estate in the Province of Ontario of any lunatic who is detained in a public asylum or mental hospital in Saskatchewan.

Order-in-
Council
conclusive
as to
appointment.

(3) An order-in-council making such an appointment of the officer mentioned in subsection 1 or subsection 2 of this section shall be conclusive proof that all conditions precedent necessary to the appointment have been fulfilled.

Powers of
Adminis-
trator in
Ontario.

(4) The appointee under an order-in-council issued under this section shall possess the same rights, powers, privileges and immunities as are conferred by this Act and the amendments thereto upon the Public Trustee for Ontario, and he shall be subject to the same obligations and shall perform the same duties. R.S.O. 1927, c. 353, s. 65.

PART IX

MENTAL HEALTH CLINICS

Establish-
ment.

94. Subject to the provisions of this Act and the regulations the Department shall have power and authority to establish clinics known as "Mental Health Clinics."

Officer
in charge.

95. The Minister shall have authority to appoint an officer who shall be a duly qualified medical practitioner to be in charge of each clinic with such title as the Minister may designate.

Staff.

96. The staff of each clinic, in addition to the officer designated in the next preceding section, shall consist of an assistant trained in psychology, an assistant trained in social service, and such other assistants as provided by the regulations.

Expenses.

97. All salaries, remuneration and expenses of the clinics and of their officers, clerks and servants shall be paid out of the Consolidated Revenue Fund upon the certificate of the Minister or of an officer of his Department designated by him for the purpose.

Powers of
a clinic.

98. Subject to the direction of the Deputy Minister, a mental health clinic may do any act or perform such services which by law the Department is permitted or authorized to do.

Authority
to conduct
examina-
tions.

99. Notwithstanding the provisions of the next preceding section, a mental health clinic shall have authority to conduct an examination of the physical and mental condition of:

(a)

- (a) Any person other than an infant who may apply for such examination; and
- (b) Any infant upon the request verbally or in writing of his parent; and
- (c) Any person who may be sent by any organization approved by the Deputy Minister, provided such person has first given his consent to such examination; and
- (d) Any person on the order of any magistrate.

100.—(1) Subject to the provisions of this section, a mental health clinic shall have authority to conduct an examination of the physical and mental condition of any or all pupils of any elementary or secondary school other than a private school and including any public, separate, continuation, vocation or high school.

(2) Such examination shall be conducted only on the request in writing of the board of public school trustees, board of separate school trustees, board of education, or other board having control of the school in which the examination is requested to be conducted.

(3) The consent in writing of the parent for such examination must first be obtained, provided that a consent for medical examination according to the provisions of *The Public Schools Act* and regulations shall be consent for the purposes of this section.

(4) The officer in charge of the clinic shall report the results of an examination under this section to the Minister of Education and to the Minister of Health, and the officer may report such results to the parent.

101.—(1) Examinations under this Part may be conducted in any place or places which the officer in charge of the clinic deems expedient.

(2) Examinations under section 100 may be conducted in any of the schools referred to therein, at such time or times as the person in charge of the school shall designate as convenient.

102. Subject to the direction of the Minister, a mental health clinic upon the request of any person, body, group, organization or corporation shall have authority to give advice

(a)

on

on matters pertaining to mental health and mental disease or matters reasonably ancillary thereto.

103. The officer in charge of the mental health clinic may report the results of an examination under section 99 to:

- (a) the Department;
- (b) the person examined;
- (c) any person or organization upon whose order or request the examination was undertaken;
- (d) any person who in the opinion of such officer has a *bona fide* interest in the person examined;

and, subject to the provisions of this section, the records of any mental health clinic shall not be open to public inspection.

PART X

AGREEMENT BETWEEN PROVINCE AND DOMINION

Agreement
with
Dominion
Government
authorized.

104. The Lieutenant-Governor in Council shall have power to authorize an agreement with His Majesty the King in right of His Dominion of Canada represented by the Honourable the Minister of Pensions and National Health or the Minister of such other Department of the Government of Canada as may from time to time be charged with the care and treatment of insane, epileptic, mentally ill or mentally defective former members of His Majesty's Military or Naval Forces who served during the War of 1914-18 whereunder the said Department shall, subject to regulations not inconsistent with this Act appended to and forming part of the said agreement, establish, operate, maintain, control and direct in the Province of Ontario institutions within the meaning of this Act for the care, treatment and detention of such former members of the Forces and former members of any Forces which were allied with His Majesty's Forces during the War of 1914-18 and members of the Permanent Force within the meaning of *The Militia Act*, and who are insane or epileptic or who are mentally ill or mentally defective within the meaning of this Act and to authorize such alterations in or amendments of such agreement as may from time to time appear necessary or desirable. 1920, c. 108, *amended*.

R.S.C.,
c. 132.

Regulations. **105.**—(1) Any regulations adopted by the parties to the agreement in section 104 mentioned shall have the same force and effect as if enacted in this Act.

(2)

(2) W
tained i
adopt re

(a)

(b)

(c)

(d)

(c)

106.
Minister
of any a
agreeme

(2) Without limiting the generality of the provisions contained in subsection 1 it is declared that the authority to adopt regulations shall extend to and include the following:

- (a) regulating the admission, commitment and detention of such members to such institutions, notwithstanding any provision to the contrary in any Act of this Legislature dealing with the care, treatment or detention of insane, epileptic, mentally ill or mentally defective persons, and for greater certainty but not so as to restrict the generality of the foregoing terms, it is hereby declared that the Lieutenant-Governor in Council may exempt the said Department from such of the provisions of the said Acts as he may deem inapplicable and may authorize the said Department by its officers or servants to do such acts and things as by any Act of this Legislature dealing with the care, treatment or detention of insane, epileptic, mentally ill or mentally defective persons are required or authorized to be done by officers or servants of the Province of Ontario or by a justice or justices of the peace or other judicial authority;
- (b) regulating the care, treatment, maintenance, conduct, discipline, custody, transfer, probation, release, discharge and apprehension in such institutions of persons the care, treatment or detention of which is the subject matter of such agreement;
- (c) prescribing the forms relating to such persons and to their admission to, maintenance in and release or discharge from such institutions and all other forms required for the carrying out of the provisions of this Act and such agreement;
- (d) respecting the transfer of any such member from any place without Ontario to any other place without Ontario and from any place within Ontario to any place without Ontario and from any place without Ontario to any place within Ontario during the passage of such member through Ontario;
- (e) generally, the control of all matters the subject matter of such agreement.

106. The detention of any such member by the said Minister by virtue of and in accordance with the provisions of any authority conferred by any Act of this Legislature or agreement with the Government of the Province of Ontario

Detention under other authority not invalid.

shall

(2)

shall be deemed to be legal and valid notwithstanding anything in this Act.

Public
Trustee.

107. The Public Trustee shall be *ex officio* committee of the estate of every patient who has no other committee and who is detained in an institution under this Part. The provisions of sections 73 to 93 shall apply to the institutions under this Part and the patients therein.

PART XI

REPEALING AND AMENDING CERTAIN ACTS

Acts
repealed.

108. The following Acts are repealed:

(a) *The Hospitals for the Insane Act*, R.S.O. 1927, c. 353.

(b) *The Ontario Hospital, Woodstock, Act*, R.S.O. 1927, c. 356.

(c) *An Act to confer Certain Powers respecting Hospitals on the Lieutenant-Governor in Council*, 1920, c. 108.

Acts
amended.

109. The Acts mentioned in the Schedule to this Act are hereby amended in the manner set forth in the third column of the said Schedule.

Commence-
ment of
Act.

110. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

SCHEDULE

1935.

Act A

The C
Tax Act,
R.S.O. 19The Mun
R.S.O. 19The Ps
Hospital
R.S.O. 19
(1931, c.
s. 27 (2))The Pri
tarium A
R.S.O. 19
(1931, c.
s. 28 (1))

withstanding anything
ex officio committee of
 other committee and
 under this Part. The
 ly to the institutions
 in.

RETAIN ACTS

R.S.O. 1927, c. 353.

Act, R.S.O. 1927,

pecting Hospitals on
 il, 1920, c. 108.

dule to this Act are
 in the third column

a day to be named
 amation.

SCHEDULE

| ACT AMENDED | SECTION | MANNER IN WHICH AMENDED |
|---|---|---|
| The Corporations Tax Act, R.S.O. 1927, c. 29. | Section 24 (3), line 5. | By substituting for the words "provincial hospital for the insane" the words "institution within the meaning of <i>The Mental Hospitals Act, 1935</i> , other than the Ontario Hospital, Woodstock." |
| | Section 24 (4), line 3; line 6, lines 6 and 7. | By substituting for the words "Provincial Secretary" the words "Minister of Health." |
| The Municipal Act, R.S.O. 1927, c. 233. | Section 432, line 2. | By substituting for the word "insane" the words "mentally ill, mentally defective or epileptic." |
| | Section 432, lines 3 and 4. | By substituting for the words "a Provincial Hospital for the Insane" the words "an institution within the meaning of <i>The Mental Hospitals Act, 1935</i> ." |
| The Psychiatric Hospitals Act, R.S.O. 1927, c. 354. (1931, c. 23, s. 27 (2).) | Section 1, Clause (b). | By striking out the clause and substituting therefor "(b) 'Inspector' shall mean an inspector appointed under <i>The Mental Hospitals Act, 1935</i> ." |
| | Section 9 (3), line 5. | By substituting for the words "sections 6 and 7 of <i>The Hospitals for the Insane Act</i> " the words "section 21 of <i>The Mental Hospitals Act, 1935</i> ." |
| | Section 9 (3), lines 3 and 6 and Section 9 (4), line 3. | By substituting for the word "insane" the words "mentally ill, mentally defective or an epileptic within the meaning of <i>The Mental Hospitals Act, 1935</i> ." |
| | Section 13 (1), Clause (a), lines 1 and 2. | By substituting for the words "insane within the meaning of sections 7 and 8 of <i>The Hospitals for the Insane Act</i> " the words "mentally ill, mentally defective or epileptic within the meaning of <i>The Mental Hospitals Act, 1935</i> ." |
| | Section 14 (2), lines 2 and 10. | By substituting for the word "insane" the words "mentally ill, mentally defective or epileptic within the meaning of <i>The Mental Hospitals Act, 1935</i> ." |
| | Section 14 (2), line 9. | By substituting for the words "in the form numbered 1 in <i>The Hospitals for the Insane Act</i> " the words "according to the provisions of section 21 of <i>The Mental Hospitals Act, 1935</i> ." |
| The Private Sanitarium Act, R.S.O. 1927, c. 355. (1931, c. 23, s. 28 (1).) | Section 1, clause (c). | By repealing the clause and substituting therefor "(c) 'Inspector' shall mean an inspector appointed under <i>The Mental Hospitals Act, 1935</i> ." |

| ACT AMENDED | SECTION | MANNER IN WHICH AMENDED |
|--|--|--|
| The Private Sanitarium Act, R.S.O. 1927, c. 355— <i>Continued.</i> | Section 25 (2), line 4. | By inserting after the word "insane" the words "or to the superintendent of any institution under <i>The Mental Hospitals Act, 1935.</i> " |
| | Section 25 (2), line 6. | By inserting after the word "Hospital" the words "or such institution." |
| | Section 48, line 3. | By inserting after the word "insane" the words "or to an institution under <i>The Mental Hospitals Act, 1935.</i> " |
| Public Trustee Act, R.S.O. 1927, c. 151. | Section 15, as enacted by 1931, c. 23, s. 8. | By striking out the said section. |
| The Public Institutions Inspection Act, 1931, c. 80. | Section 2, clause (a). | By repealing the clause. |
| | Clause (b), lines 2, 3, 4. | By striking out the words "and in respect to mental hospitals shall mean the Minister of Health." |
| | Section 3, line 2. | By striking out the words "mental hospitals and." |
| | Section 4, line 2. | By striking out the words "of mental hospitals and." |
| | Section 5 (1), line 3. | By striking out the words "mental hospital or." |
| | lines 3, 4. | By striking out the words "as the case may be." |
| | Section 5 (2), line 3. | By striking out the words "or the Minister of Health." |
| | line 4. | By striking out the words "or the Minister of Health." |
| | lines 4, 5. | By striking out the words "as the case may be." |
| | line 6. | By striking out the words "hospital or other." |
| | Section 6, line 2. | By striking out the words "mental hospitals and." |
| Clause (d), line 3. | By striking out the words "patients in mental hospitals and." | |
| Clause (f), line 2. | By striking out the words "mental hospitals and." | |
| Section 11 (2), | By repealing the subsection. | |
| Section 11 (3), line 2. | By substituting for the words "a mental hospital" the words "an institution under <i>The Mental Hospitals Act, 1935.</i> " | |

ACT

ACT

The P
tutions
Act, 19
Continu

BY WHICH AMENDED

after the word "in-
 "or to the superin-
 ny institution under
Hospitals Act, 1935."

after the word "Hos-
 words "or such insti-
 tutions"

after the word "in-
 "or to an institu-
The Mental Hospitals

out the said section.

the clause.

at the words "and in
 mental hospitals shall
 Minister of Health."

at the words "mental
 hospitals"

at the words "of
 patients and."

at the words "mental
 hospitals"

at the words "as the
 Minister of Health."

at the words "or the
 health."

at the words "or the
 health."

at the words "as the
 Minister of Health"

at the words "hospital
 patients"

at the words "mental
 hospitals"

at the words "patients
 hospitals and."

at the words "mental
 hospitals"

the subsection.

ing for the words "a
 "mental" the words "an
 under *The Mental Hos-
 1935.*"

| ACT AMENDED | SECTION | MANNER IN WHICH AMENDED |
|---|----------------------------|---|
| The Public Insti- tutions Inspection Act, 1931, c. 80— <i>Continued.</i> | Section 11 (4), line 2. | By striking out the words "or mental hospital." |
| | line 3. | By substituting for the words "respective departments" the word "department." |
| | Section 12. | By repealing the section. |